

**Remarks**

Claims 1-12 and 15-22 are pending in the application. Claims 1-12 remain pending in the application. Claims 13 and 14 have been cancelled without prejudice or disclaimer. New claims 15-22 have been added by virtue of this Amendment. Support for the new claims can be found throughout the specification. No new material is believed to have been added by virtue of this Amendment. Applicants respectfully request further examination of the application, as amended, in light of the remarks below.

Applicants would first like to acknowledge receipt of with the Office Action of the initialed copies of PTO-1449 forms submitted by Applicants in their first two information disclosure statements. As indicated in a phone conversation with the Examiner on September 26, 2002, Applicants, however, did not receive initialed copies of the form PTO-1449 forms in connection with the supplemental information disclosure statements filed by Applicants on March 17, 2000 and May 30, 2000, respectively. Applicants respectfully request that she provide these with her next communication in connection with the above-captioned application. As a convenience, Applicants have enclosed copies of these submissions without further copies of the references.

New claims 15 and 19 depend from claims 1 and 6 respectively. These claims provide limitations prescribing particular steps in look and feel capture. New claim 16 add a limitation requiring provision of an interface through which an end user can edit identified look and feel elements. New claims 17 and 18 provide two possible variations for deriving contextual information for use in dynamic selection of appropriate content. New claim 20 adds the limitation that a common communications interface (e.g., a single network interface card, a common bus connection, etc.) is used for both the communications link to the host website and the communications link to the visitor computer. New claim 21 is an independent claim in means-plus-function form that includes the recited limitations, one of which is a look and feel capture means. New

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claim 22 incorporates the limitation requiring that the selected commerce object be an indicator for dynamic content selection.

The Examiner has rejected Claims 1 - 14 under 35 U.S.C. §102(e) as being anticipated by *Tobin* (U.S. Patent No. 6,141,666, hereinafter *Tobin*). Office Action at p. 2. Applicants respectfully traverse this rejection as follows.

While Applicants address the rejected claims below, Applicants would like to first provide the following overview of Applicants' technology that the Examiner may find helpful. Applicants' technology is directed to providing e-commerce outsourcing to website hosts and merchants. The technology allows website hosts to include electronic storefronts within their respective websites where products and services from one or more merchants are available for purchase. The e-commerce outsourcing service may be provided by an organization that is neither a website host nor a merchant.

The electronic storefronts are designed to give an end user accessing them a consistent appearance of remaining on the host website. This appearance is accomplished through capturing the look and feel associated with the host website.

When a user activates a link associated with one of the website host's storefronts, a page is transparently delivered to the end user that presents the host website's look and feel along with descriptions of one or more products or services available for purchase. The website host can controllably determine what products or services offered by participating merchants will be available through the particular storefront. In some embodiments, the website host can provide a link designating that the e-commerce outsourcing service dynamically select products or services for display. Such dynamic selection can be based upon the content of the page containing the link such as through analysis of keywords in the page of origin or the complete text of that page.

*Tobin* relates to a traditional Web affiliate marketing system and process. In *Tobin*, when a user activates a link associated with a storefront, the user's browser is

redirected to a merchant's website. The merchant's website can provide pages that are "co-branded, private label or, a program of labeling unique to the participating [referring] Web site." *Tobin*, 5:22:23. *Tobin* discloses customization of delivered pages according to preferences of the referring web site. When a link to a purchase page from a referring web site is detected by the system, the system customizes target pages in accordance with the designated preferences of the referring web site and delivers the customized page to the end user. *See, e.g., Tobin*, 9:5-51 ("co-branding") & 9:52-10:26 ("private labeling").

The Examiner asserts that *Tobin* anticipates claims 1 – 14 of the present application. With respect to independent claims 1 and 6, the Examiner asserts that *Tobin* at 2:58 – 3:4 or alternatively at 7:19-29 discloses the limitation of capturing a look and feel description associated with a host website. Office Action at pp. 2-3. Applicants respectfully assert that these passages do not teach or disclose this limitation.

Both cited passages speak generally about customization of delivered Web pages based upon the class associated with the client requesting the pages. *Tobin*, 2:58-3:4 & 7:19-29. They provide criteria used to dynamically select content for inclusion but do not appear to discuss capturing a look and feel description associated with a particular host website. *Id.*

In addition, these claims both include a limitation requiring provision of a link to the host website for inclusion on a page on the host website wherein the provided link correlates the host website with a selected commerce object. The Examiner asserts that the following passage demonstrates this limitation:

To resolve the problem of dynamic customization of the Internet sites participating in the PC Flowers & Gifts program of marketing services, PC Flowers & Gifts has completely redesigned its Web site pages to be extremely user friendly and its hypertext links to be configured in a database format.  
*Tobin*, 5:46-51.

The above passage discusses reconfiguration of the links on the merchant's website ("PC Flowers & Gifts has completely redesigned its Web site pages...and its

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hypertext links”) not provision of a link to a host website as required by the limitations in claims 1 and 6.

For at least these reasons, Applicants believe that passages cited by the Examiner do not teach or disclose the limitations of capturing a look and feel description of a host website or provision of a link to the host website. As claims 2-5 and 7-10 depend directly or indirectly from claims 1 and 6 respectively, these dependent claims also include these two limitations. Applicants therefore respectfully request the withdrawal of the rejection of claims 1-10.

New independent claim 21 includes these same limitations as well, and therefore, would be allowable for at least the same reasons as discussed above with respect to claims 1 and 6. Similarly, new dependent claims 15-20 and 22 depend directly or indirectly from independent claims 1, 6 or 20 and therefore also include these same limitations. Applicants therefore submit that claims 1-10 and 15-22 are allowable and respectfully request a notice to this effect.

Furthermore, claims 5 and 10, and new claim 22, include a limitation requiring that the commerce object is an indicator for dynamic content selection wherein the dynamic content for inclusion in the delivered page is selected according to contextual information derived from the page on the host website that included the provided link. The passage of *Tobin* cited by the Examiner describes customization generically but does not appear to teach or suggest dynamic selection based upon contextual information derived from the page on the host website. *Tobin*, 5:46-51. As indicated in the specification of the above-captioned application, “[I]n a preferred embodiment, keywords in the page are cross-reference with available catalogs, product categories and products to choose the appropriate content for the destination page associated with the link.” Application, p. 25, lines 12-15; *see also* FIG. 8. *Tobin* does not appear to teach or suggest such a facility for dynamically selecting catalog, product category or product content for inclusion in a delivered page. Claims 5, 10 and 22 should therefore be allowable over *Tobin* for at least this additional reason.

Finally, independent claims 11 and 12, and new dependent claims 15-16 and 19-20, all recite limitations prescribing an approach to capturing the look and feel. *Tobin* discusses generation of customized Web pages; it does not appear to discuss an approach to capturing look and feel elements of a target website. Specifically, the passage cited by the Examiner (*e.g.*, *Tobin* 3:45-51) discusses a vendor's ability to upload HTML content for use by the system in generating customized pages. The passage does not appear to describe specification of a prototypical page for the purpose of capturing look and feel from such a specified page. The additional passage cited by the Examiner (*e.g.*, *Tobin* 12:62-13:5) for the assertion that *Tobin* teaches identification of look and feel elements also deals with web page generation rather than look and feel capture. Specifically, the ASN ("Abstract Syntax Notation") analyzes elements to be included in a customized page to determine dependencies and to see if a page needs to be updated. *Tobin*, 12:62-13:5. No mention is made of analysis to identify look and feel elements. For at least these reasons, Applicants respectfully assert that claims 11-12, 15-16 and 19-20 are patentable over *Tobin*, and therefore, Applicants request withdrawal of the rejection of claims 11-12 and allowance of claims 11-12, 15-16 and 19-20.

### **Conclusion**

For at least the reasons stated above, the Applicants respectfully submit that each of the claims pending in the application is allowable and therefore courteously solicit the allowance of the claims.

The Examiner is invited and encouraged to directly contact the undersigned if such contact may enhance the efficient prosecution of this application to issue.

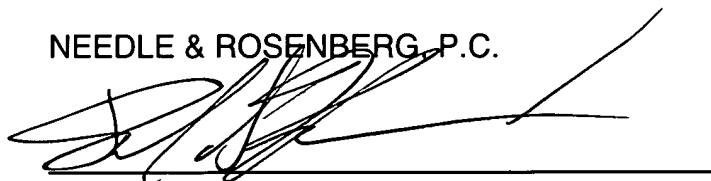
No additional fee is believed to be due with this response. Applicants have previously paid a basic filing fee for up to twenty (20) claims and additional claim fees for three additional independent claims beyond the basic for a total of six (6). The application currently includes a total of twenty (20) pending claims of which only five (5)

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are now independent. If, however, the Commissioner believes that a fee is due, the Commissioner is hereby authorized to charge any such additional fee(s) from, or credit any fee overpayment(s) to, Deposit Account No. 14-0629.

Respectfully submitted,

NEEDLE & ROSENBERG, P.C.

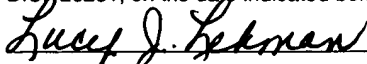


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### **Certificate of Mailing**

I hereby certify that this correspondence and any items indicated as attached or included are being deposited with the United States Postal Service in an envelope addressed to: BOX AMENDMENT, Commissioner for Patents, Washington, D.C. 20231, on the date indicated below.

  
Lucy J. Lehman

10/10/02  
Date